

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Patrick J. Lyons,	:	Bankruptcy No. 17-12550
	:	
	:	
Plaintiff,	:	ADV. PRO. NO
	:	
v.	:	
	:	
Members 1 st F.C.U,	:	
	:	
Defendant :		

COMPLAINT

1. This is an action brought under the Bankruptcy Code, 11 U.S.C. §101 et seq., seeking a declaration that a lien held by defendant on plaintiff's real property is void and an order directing defendants to take all action necessary to extinguish the lien.
2. Jurisdiction is conferred on this Court by U.S.C. §1334. This proceeding is a core proceeding.
3. Plaintiff's action for declaration relief is authorized by 28 U.S.C. §2201 and §2202.
4. Plaintiff, Patrick J. Lyons, is the adult individual who resides at 35 Iris Circle, Elizabethtown, PA.
5. Defendant, Members 1st F.C.U, is banking institution doing business in Lancaster, PA.
6. On April 11, 2017, plaintiff filed a petition for relief under Chapter 13 of the Bankruptcy Code.
7. Defendant holds a purchase money lien on Debtor's 2010 Nissan Frontiere Crew Cab.
8. Defendant filed one Proof of Claim as to the Toyota in the amount of \$15,545.54.
9. The fair market value of plaintiff's vehicle is not greater than \$2,807.00. per the attached Exhibit "A".
10. Debtor opened this loan in November of 2011, and therefore the loan has been in existence for more than 2 and ½ years.
11. Since the actual market value of the vehicle in its current condition is \$2,807.00, the secured portion of the debt obligation should be crammed down to \$2,807.00 which represent the current valuation and market value of the collateral.

12. Accordingly, the proposed Proof of Claim should be deemed allowed as a secured claim in the amount of \$993.00 and an unsecured for the balance.

claim pursuant to 11 U.S.C. §502.

RELIEF

WHEREFORE, plaintiff requests that this Court grant the following relief: (1) declare that the defendant's secured lien and claim on the vehicle is \$2,807.00 and (2) that the balance of the said claim is unsecured.

DATE: February 28, 2018

/s/ Alaine V. Grbach

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